

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEROME J. GHIGLIOTTI,
Plaintiff,
v.
CITY OF NOVATO, et al.,
Defendants.

Case No.: C-11-02774 YGR

**ORDER DISMISSING PLAINTIFF'S SECOND
AMENDED COMPLAINT FOR FAILURE TO
PROSECUTE**

On May 7, 2012, Defendants filed a Motion to Dismiss Second Amended Complaint Without Leave to Amend. (Dkt. No. 43.) The hearing on the motion is set for July 17, 2012. Plaintiff's opposition was due on May 24, 2012. Civ. L.R. 7-3(a) & 5-5(a)(2). Plaintiff failed to oppose the Motion to Dismiss when it was due.

On May 30, 2012, the Court ordered Plaintiff to "file an opposition to the Motion to Dismiss no later than June 13, 2012." (Dkt. No. 45.) The Court further stated that "[f]ailure to file an opposition by that date will result in dismissal of the action against Defendants for failure to prosecute." Plaintiff again failed to respond. Because Plaintiff has failed to prosecute this lawsuit, Plaintiff's Second Amended Complaint against Defendants is hereby **DISMISSED WITHOUT PREJUDICE**. This Order terminates Dkt. Nos. 41 & 43. The hearing date of July 17, 2012 is **VACATED**.

IT IS SO ORDERED.

Dated: June 18, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE